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Attorney for Defendant
JAMES KIRACHKI

FILED
DISTRICT COURT OF GUAM
APR 22 2005 *mde*
MARY L.M. MORAN
CLERK OF COURT

(11)

IN THE UNITED STATES DISTRICT COURT

FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	MAG. NO. 05-00014
)	
Plaintiff,)	STIPULATION AND PROPOSED <i>my</i>
)	ORDER TO MODIFY BOND
vs.)	CONDITIONS
)	
JAMES KIRACHKI,)	
)	
Defendant.)	
_____)	

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff, United States of America, by and through its attorney of record, Assistant United States Attorney, Joseph Tock and Defendant, JAMES KIRACHKI, by and through his attorney of record, Kim Savo, Assistant Federal Public Defender, that the conditions of Mr. Kirachki's bond should be modified to permit him to surrender a photocopy of his passport to the Clerk of the Court, that he shall obtain

ORIGINAL

X

a birth certificate from Chuuk State, which he will surrender to the Clerk of the Court upon receipt. If Mr. Kirachki locates his original passport, he shall immediately surrender it to the Clerk of the Court. Mr. Kirachki shall not make any additional copies of his passport.

IT IS FURTHER STIPULATED that Mr. Kirachki made his initial appearance before the Court on April 18, 2005. Mr. Kirachki is charged with misdemeanor theft of government property in violation of 18 U.S.C. § 641, and misdemeanor entry onto military property in violation of 18 U.S.C. § 1382. The Court released Mr. Kirachki on his own recognizance pursuant to the standard terms and conditions of pretrial release.

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In addition, the Court imposed the special condition that Mr. Kirachki surrender his passport to the Clerk of the Court by close of business on April 19, 2005.

DATED: Mongmong, Guam, April 21, 2005.


KIM SAVO
Attorney for Defendant
JAMES KIRACHKI

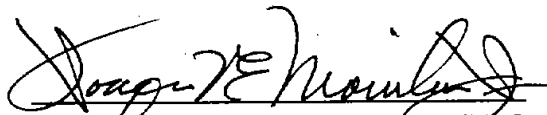
DATED: Hagatna, Guam, April 21, 2005.


JOSEPH TOCK
Attorney for Plaintiff
UNITED STATES OF AMERICA


~~PROPOSED~~ ORDER

The conditions of defendant James Kirachki's bond shall be modified to require him to:
(1) surrender a photocopy of his passport to the Clerk of the Court by close of business April 22, 2005; (2) obtain a birth certificate from Chuuk State and surrender to the Clerk of the Court upon receipt; (3) immediately surrender his original passport if it is located; and (4) not make any additional copies of his passport.

DATED: Hagatna, Guam, April 22, 2005.


HON. JOAQUIN V.E. MANIBUSAN
Magistrate Judge
District of Guam

RECEIVED
APR 21 2005
DISTRICT COURT OF GUAM
HAGATNA, GUAM

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	MAG. NO. 05-14
)	
Plaintiff,)	DECLARATION OF COUNSEL
)	
vs.)	
)	
JAMES KIRACHKI,)	
)	
Defendant.)	
_____)	

DECLARATION OF COUNSEL

I, KIM SAVO, hereby declare as follows:

1. That I am counsel for defendant, James Kirachki, having been appointed pursuant to the Criminal Justice Act.
2. That the facts and statements set forth herein are true and correct to the best of my knowledge and belief.
3. On April 20, 2005 my client indicated to me that he was unable to locate his passport. He did find, however, a photocopy of his passport. He believes that his passport may have been stolen when his car was burglarized approximately two years ago.
4. I advised my client to surrender the photocopy of his passport to the Clerk of the Court, and to obtain a copy of his birth certificate from Chuuk State, and to keep looking for his passport.

5. On April 20, 2005, I notified government counsel that my client could not locate his passport. Government counsel agreed to stipulate to modify Mr. Kirachki's conditions of bond.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED: Mongmong, Guam, April 21, 2005.

A handwritten signature in black ink, appearing to read "Kim Savo", is written over a horizontal line.

KIM SAVO
Attorney for Defendant
JAMES KIRACHKI